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ITEMS SUBMITTED IN DUPLICATE

CERTIFICATION

I hereby certify that I have reviewed the attached documents, and that they conform to all applicable Kansas Register publication guidelines and to the requirements of K.S.A. 75-431, as amended. I further certify that submission of these items for publication is a proper and lawful action of this agency, that funds are available to pay the publication fees and that such fees will be paid by this agency on receipt of billing.

Christopher J. Tymeson
Liaison officer's typed name

Liaison officer's signature

Department Attorney

(785) 296-2281

Title

Phone

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This space for Register office use only

Wildlife, Parks, and Tourism Commission

Notice of Public Hearing

A public hearing will be conducted by the Wildlife, Parks, and Tourism Commission at 7:00 p.m., Thursday, April 26, 2012 at the Great Plains Nature Center Auditorium, 6232 East 29th Street North, Wichita, Kansas, to consider the approval and adoption of proposed regulations of the Kansas Department of Wildlife, Parks, and Tourism.

A regulatory hearing on business of the Wildlife, Parks, and Tourism Commission will begin at 7:00 p.m., April 26 at the location listed above. There will be public comment periods at the beginning of the evening meeting for any issues not on the agenda and additional comment periods will be available during the meeting on agenda items. Old and new business may also be discussed at this time. If necessary to complete business matters, the Commission will reconvene at 9:00 a.m. April 27 at the location listed above.

Any individual with a disability may request accommodation in order to participate in the public meeting and may request the meeting materials in an accessible format. Requests for accommodation to participate in the meeting should be made at least five working days in advance of the meeting by contacting Sheila Kemmis, Commission Secretary, at (620) 672-5911. Persons with a hearing impairment may call the Kansas Commission for the Deaf and Hard of Hearing at 1-800-432-0698 to request special accommodations.

This 30-day notice period prior to the hearing constitutes a public comment period for the purpose of receiving written public comments on proposed administrative regulations.

All interested parties may submit written comments prior to the hearing to the Chairman of the Commission, Kansas Department of Wildlife, Parks, and Tourism, 1020 S. Kansas Ave, Suite 200, Topeka, KS 66612 or to sheila.kemmis@ksoutdoors.com if electronically. All interested parties will be given a reasonable opportunity at the hearing to express their views orally in regard to the adoption of the proposed regulations. During the hearing, all written and oral comments submitted by interested parties will be considered by the commission as a basis for approving, amending and approving, or rejecting the proposed regulations.

The regulations that will be heard during the regulatory hearing portion of the meeting are as follows:

K.A.R. 115-25-5. This exempt regulation establishes the open season, bag limit and permits for fall turkey. The proposed version addresses changes in management unit boundaries from 4 to 6 units.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-25-7. This exempt regulation establishes the open season, bag limit and

permits for antelope. The proposed version addresses updates in season dates and slightly reduces the number of permits in Unit 18.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

K.A.R. 115-25-8. This exempt regulation establishes the open season, bag limit and permits for elk. The proposed version addresses updates in season dates.

Economic Impact Summary: The proposed amendments are not anticipated to have any appreciable negative economic impact on the department, other agencies, small businesses or the public.

Copies of the complete text of the regulations and their respective economic impact statements may be obtained by writing the chairman of the Commission at the address above, electronically on the department's website at www.kdwpt.state.ks.us, or by calling (785) 296-2281.

Gerald Lauber, Chairman

115-25-5. Turkey; fall season, bag limit, and permits. (a) The open fall season for the taking of turkey shall be the first day of October through the day before the first day of the regular deer firearms season as specified in K.A.R. 115-25-9 and shall reopen on the day following the last day of the regular deer firearms season through the last day in December. The open fall season shall reopen again on the day following the last day of the extended firearms season as specified in K.A.R. 115-25-9 through the last day in January. Any equipment that is legal during an archery or fall firearm turkey season shall be permitted during this season.

(b) The units and the number of permits authorized for the taking of turkey during the established seasons shall be as follows:

(1) Unit 1. Unit 1 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-183 to its junction with interstate highway I-70, and then west on interstate highway I-70 to the Colorado-Kansas state line, then north along the Colorado-Kansas state line to its junction with Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183, except federal and state sanctuaries. An unlimited number of permits shall be authorized for unit 1.

(2) Unit 2. Unit 2 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway K-96 to its junction with federal highway US-183, then north on federal highway US-183 to its junction with the Nebraska-Kansas state line, and then east along the Nebraska-Kansas state line to its junction with federal highway US-183,

except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 2.

(3) Unit 3. Unit 3 shall consist of that area bounded by a line from the Nebraska-Kansas state line south on federal highway US-81 to its junction with interstate highway I-135, then south on interstate highway I-135 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then north along the Missouri-Kansas state line to its junction with Nebraska-Kansas state line, and then west along the Nebraska-Kansas state line to its junction with federal highway US-81, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 3.

(4) Unit 4. Unit 4 shall consist of that portion of the state bounded by a line from the Kansas-Colorado state line east on interstate highway I-70 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, then west along the Oklahoma-Kansas state line to its junction with the Colorado-Kansas state line, and then north along the Colorado-Kansas state line to its junction with interstate highway I-70, except federal and state sanctuaries. No permits shall be authorized in unit 4.

(5) Unit 5. Unit 5 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with federal highway US-56, then west on federal highway US-56 to its junction with state highway K-96, then west on state highway

K-96 to its junction with federal highway US-183, then south on federal highway US-183 to its junction with federal highway US-54, then southwest on federal highway US-54 to the Oklahoma-Kansas state line, and then east along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 5.

(6) Unit 6. Unit 6 shall consist of that portion of the state bounded by a line from the Oklahoma-Kansas state line north on interstate highway I-35 to its junction with federal highway US-56, then east on federal highway US-56 to its junction with state highway K-150, then east on state highway K-150 to its junction with federal highway US-50, then east on federal highway US-50 to its junction with interstate highway I-35, then northeast on interstate highway I-35 to its junction with the Missouri-Kansas state line, then south along the Missouri-Kansas state line to its junction with the Oklahoma-Kansas state line, and then west along the Oklahoma-Kansas state line to its junction with interstate highway I-35, except federal and state sanctuaries. An unlimited number of permits and game tags shall be authorized for unit 6.

(c) The bag limit for the open fall season shall be one turkey of either sex for each permit or game tag.

(d) An individual shall not apply for or obtain more than one turkey permit and three turkey game tags for the open fall season. Only an individual who has purchased a turkey permit shall be eligible to purchase a turkey game tag.

(e) Turkey permits and turkey game tags shall be valid only for the unit or units designated on the turkey permit or turkey game tag.

(f) This regulation shall be effective on and after May 1, 2012. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2011 Supp. 32-969.)

115-25-7. Antelope; open season, bag limit, and permits. (a) The open season for the taking of antelope shall be as specified in this subsection. The unit designations in this subsection shall have the meanings specified in K.A.R. 115-4-6.

(1) Archery season.

(A) The archery season dates shall be September 22, 2012 through September 30, 2012 and October 15, 2012 through October 31, 2012.

(B) The taking of antelope during the established archery season shall be authorized for Smoky Hill, unit 2; West Arkansas, unit 17; and Cimarron, unit 18. Unlimited archery permits for residents and nonresidents shall be authorized for the area.

(2) Firearm season.

(A) The firearm season dates shall be October 5, 2012 through October 8, 2012.

(B) The open units for the taking of antelope during the established firearm season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: One hundred resident firearm permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Forty resident firearm permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Ten resident firearms permits shall be authorized for the unit.

(3) Muzzleloader-only season.

(A) The muzzleloader-only season dates shall be October 1, 2012 through October 4, 2012.

Muzzleloader permits also shall be valid in the unit for which the permit is authorized during the established firearm season dates.

(B) The open units for the taking of antelope during the established muzzleloader-only season and the number of permits authorized shall be as follows:

(i) Smoky Hill, unit 2: Twenty-six resident muzzleloader permits shall be authorized for the unit.

(ii) West Arkansas, unit 17: Twelve resident muzzleloader permits shall be authorized for the unit.

(iii) Cimarron, unit 18: Eight resident muzzleloader permits shall be authorized for the unit.

(b) The bag limit for each archery, firearm, and muzzleloader permit shall be one antelope of either sex.

(c) This regulation shall be effective on and after May 1, 2012, and shall have no force and effect on and after March 1, 2013. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2011 Supp. 32-937.)

115-25-8. Elk; open season, bag limit, and permits. (a) The unit designations in this regulation shall have the meanings specified in K.A.R. 115-4-6b, except that the area of Fort Riley, subunit 2a, shall not be included as part of Republican-Tuttle, unit 2.

(b) The open seasons for the taking of elk shall be as follows:

(1) The archery season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 17, 2012 through December 31, 2012.

(B) Fort Riley, subunit 2a: September 1, 2012 through September 30, 2012.

(2) The firearm season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: November 28, 2012 through December 9, 2012 and January 1, 2013 through March 15, 2013.

(B) Fort Riley, subunit 2a:

(i) First segment: October 1, 2012 through October 31, 2012.

(ii) Second segment: November 1, 2012 through November 30, 2012.

(iii) Third segment: December 1, 2012 through December 31, 2012.

(3) The muzzleloader season dates and units shall be as follows:

(A) Statewide, except Fort Riley, subunit 2a, and unit 1: September 1, 2012 through September 30, 2012.

(B) Fort Riley, subunit 2a: September 1, 2012 through September 30, 2012.

(c) A limited-quota either-sex elk permit shall be valid during any season using

equipment authorized for that season. Ten either-sex elk permits shall be authorized.

(d) A limited-quota antlerless-only elk permit shall be valid during any season using equipment authorized for that season, except that a limited-quota antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only as follows:

(1) A first-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the first segment. Five first-segment antlerless-only elk permits shall be authorized.

(2) A second-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the second segment. Five second-segment antlerless-only elk permits shall be authorized.

(3) A third-segment antlerless-only elk permit shall be valid on Fort Riley, subunit 2a, only during the third segment. Five third-segment antlerless-only elk permits shall be authorized.

(4) All antlerless-only elk permits shall be valid on Fort Riley, subunit 2a, during the September 1, 2012 through September 30, 2012 archery and muzzleloader seasons.

(e) The bag limit shall be one elk as specified on the permit issued to the permittee.

(f) An unlimited number of hunt-on-your-own-land antlerless-only elk permits and either-sex elk permits shall be authorized in units 2 and 3. A hunt-on-your-own-land permit shall be valid during any open season. The bag limit for each hunt-on-your-own-land elk permit shall be one elk as specified on the permit.

(g) An unlimited number of over-the-counter antlerless-only elk permits and either-sex elk permits shall be authorized in unit 3.

(h) Each permit holder shall, upon harvest of an elk, contact designated department staff within two calendar days to arrange for collection of biological data and tissue samples.

(i) This regulation shall have no force and effect on and after April 1, 2013. (Authorized by and implementing K.S.A. 32-807 and K.S.A. 2011 Supp. 32-937.)

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-5 Turkey; open season, bag limit, and permits

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit and season dates for the 2011 fall wild turkey seasons. The proposed changes would change management units from 4 units to 6 units. Otherwise, the regulation would be unchanged from previous seasons.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 15,150 fall turkey hunting permits and tags will be issued in 2012. This total includes 7500 resident permits, 2700 second turkey game tags and 2000 nonresident permits. Estimated revenue if all permits are issued would be \$220,000. That amount represents an equal expenditure for those individuals desiring to participate in the fall turkey hunting season. Administrative costs associated with the season are borne by the department.

The department estimates over 24,000 days of hunting activity will occur, thus providing economic benefit to businesses providing goods and services. No other economic impact on the general public or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-7. Antelope; open season, bag limit, and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2012 firearm, muzzleloader, and archery antelope seasons. The hunting units include all of the area included during the 2012 season. An unlimited number of archery permits are authorized, however, recent trends indicate that about 250 people may apply for these permits for residents. 4 nonresident archery permits were issued in 2011 and it is anticipated that a like number will be issued in 2012.

The proposed unit boundaries for the 2011 firearm hunting season are the same as the 2011 unit boundaries. A total of 150 firearms permits are proposed in three management units as follows: Unit 2-100 permits, Unit 17-40 permits, and Unit 18-10 permits, a decrease of 4 permits from the previous season. In addition, 46 muzzleloader permits are proposed in three management units as follows: Unit 2-26 permits, Unit 17-12 permits, and Unit 18-8 permits, a decrease of 2 permits from the previous season.

FEDERAL MANDATE: None.

ECONOMIC IMPACT: It is anticipated that 460 antelope hunting permits will be authorized. Estimated revenue if all permits are issued would be approximately \$14,380. That amount represents equal participation in the antelope season by landowner/tenants and general residents, as well as nonresident participation. Approximately 1150 people will apply for an antelope permit or preference point. A \$5 nonrefundable application fee from all applicants will generate an additional \$5,575. Other administrative costs associated with the season are borne by the Department.

Approximately 2140 days of hunting activity will occur. The national survey of fishing, hunting, and wildlife associated recreation conducted by the U.S. Fish and Wildlife Service estimated that an average big game hunter spent more than \$1100 per season, thus the antelope season may generate \$470,800 in direct economic benefits to businesses providing goods and services. There will be no other economic impact on the general public, small businesses or on other state agencies.

ALTERNATIVES CONSIDERED: None.

ECONOMIC IMPACT STATEMENT

K.A.R. 115-25-8. Elk; open season, bag limit and permits.

DESCRIPTION: This proposed exempt regulation establishes hunting unit boundaries, bag limit, application periods and season dates for the 2012-2013 muzzleloader, archery, and firearm seasons for elk. The units allow for statewide use for limited-quota permits, except in a portion of Morton County. Limited-quota elk and unlimited hunt-on-your-own-land (HOYOL) hunters would be allowed to hunt during any open season with the equipment that was allowed during that season. Unlimited general either-sex and antlerless-only permits would allow the use of the permits in all units but would exclude two units. Unlimited HOYOL either-sex and antlerless-only permits would be allowed statewide, except a portion of Morton County, Unit 1. The proposed regulation would allow elk hunting from September 1, 2012 through March 15, 2013 statewide (outside Fort Riley, except Unit 1). Fifteen limited-quota antlerless permits would also be valid during a September muzzleloader and archery equipment season on Fort Riley, Subunit 2a. However, only five limited-quota antlerless-only elk permits at a time would be made available for use during each of three seasons on subunit 2a (Fort Riley) (October 1, 2012 through October 31, 2012; November 1, 2012 through November 30, 2012; and December 1, 2012 through December 31, 2012). Ten limited-quota either-sex elk permits would be valid from September 1, 2012 through December 31, 2012 on subunit 2a and from September 1, 2012 through March 15, 2013 in the remainder of the state, except Unit 1. Fort Riley military personnel would continue to control access to the military grounds for the purpose of elk hunting, and are expected to provide hunting access only during a portion of the available days during the open seasons. The seasons are intended to provide increased opportunity for those hunters drawing elk permits, and increased flexibility to address elk that may disperse off the Fort as well as those animals beginning to appear within other locations in the State. This represents no change from the total limited-quota permits for 2011.

FEDERAL MANDATE: None

ECONOMIC IMPACT: It is anticipated that 25 limited-quota elk permits will be issued. Based on 2011 numbers, it is estimated that at least another 20 HOYOL permits will be issued and as well as 25 unlimited general permits. In addition, it is estimated that 980 of people will apply for the drawing permits or bonus points and those individuals pay a \$5 nonrefundable application fee. The application fee generates \$4900. Estimated revenue if all permits are issued would be approximately \$8000. Administrative costs associated with the season are borne by the Department. Approximately 235 days of hunting activity may occur, thus providing \$51,700 economic benefit to businesses providing goods and services. To the extent the expanded unit, seasons, and permit numbers help prevent dispersal of elk onto private land, and therefore help prevent occurrence of damage from dispersed elk, there may be some positive economic impact to the general public. No other economic impact on the general public, small businesses, or on other state agencies is anticipated.

ALTERNATIVES CONSIDERED: None